IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 9578 of 2004

Between:

1 Syed Tanveer Hassan S/o. Rais Hassan
Plot No. 49 & 50, Arvind Nagar Colony, Old Bombay Road,

Tolichouki, Shaikpet, Hyderabad.
2 Mrs. Waheeda Khatoon, W/o. MOhd. Manawear Nawaz,
Plot No. 21, Arvind Nagar Colony, Old Bombay Road, Tolichouki,
Shaikpet, Hyderabad.

..... PETITIONERS

AND

1. The Special Court under A.P. Land Grabbing (Prohibition) Act, 2nd Floor, B.R.K.R., Govt., Offices Complex., Tankbund Road, Hyd rep. by its Chairman.

2. State of A.P., rep. by R.D.O., Hyderabad.

3. Mr. Arvind Kumar Goud, S/o. Late Pratap Lingam,
R/o. 10-3-311/7/8, Vijai Nagar Colony, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate writ, order or orders, direction or directions to quash the order of the 1st respondent in I.A.No.326/2000 in LGC No. 125/1988.

Counsel for the Petitioner:MR.V.VENKATARAMANA
Counsel for the Respondent No.1 : None appeared
Counsel for the Respondent No.2: GP FOR REVENUE
Counsel for the Respondent No.3: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

The order passed by the Special Court under Andhra Pradesh Land Grabbing (Prohibition) Act on 4th April, 2002 in I.A.No.326 of 2000 in LGC No.125 of 1998 is under challenge in this petition.

The petitioners before us are respondents 2 and 5 in the Land Grabbing Case. The State Government has chosen to file the LGC before the Special Court. Respondent No.3 herein is arrayed as respondent No.10 in the Land Grabbing case. The Land Grabbing case along with Annexure attached thereto specifically alleged land grabbing on the part of respondent No.3 with respect to the extent of land and boundaries. Be that as it may, the third respondent filed an application (IA No.326 of 2000) for deletion of his name after notice to the learned Government pleader. Others were not even given notice of such application. Merely on the basis of the averments made in the application, the name of the third respondent was ordered to be deleted from the array of the parties in the main case. The petitioners felt aggrieved against the said order and approached this court and questioned the legality and validity of the order stating that the petitioners have filed their counter affidavit in the Land grabbing case and made specific allegations therein that the plots purchased by them are patta lands belonging to individual pattedars and the same were sold through registered sale deeds by the G.P.A holder to various persons. Thereafter, construction of houses took place and the same were assessed

to property tax. The third respondent is alleged to be the G.P.A holder of the pattedars and all the respondents alleged that they purchased lands under registered sale deeds executed by the GPA holder on behalf of the pattedars and they are not land grabbers. Whatever may be the reason, it is their case that in case an application was filed by any of the parties to the proceedings, it was all the more necessary for the Special Court to have atleast given notice of such an application to them since they were parties and their defence was dependant upon the documentary evidence and thereby permitting the deletion of the name of the either party would cause immense loss and injury to them and thereby prejudice their defence. No loss or harm is likely to be caused in case respondent No.3 were to be continued as a party to the proceedings.

Notice of this petition was directed to be served upon the third respondent. Despite being served twice, nobody has chosen to appear on behalf of the third respondent. There is no opposition to this petition.

The impugned order having been passed by the Special Court without notice to the affected parties, who are arrayed as respondents in the Land Grabbing Case and without application of mind to the respective rights, is bad in law and is liable to be set aside.

The writ petition is allowed and the impugned order is set aside. Consequently, I.A No.326 of 2000 stands dismissed.

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DEVINDER GUPTA, CJ

9-8-2004

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C.V.RAMULU, J

Tvr

To

1. The Chairman, Special Court under A.P. Land Grabbing (Prohibition) Act, 2nd Floor, B.R.K.R., Govt., Offices Complex., Tankbund Road, Hyd..

2. The Revenue Divisional Officer, Hyderabad.

3. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad, (OUT)

4. 2 CD copies.